

REMARKS:

In the outstanding non-final Office Action, claims 1, 6-9 and 11-16 were rejected. Claims 12-16 have been amended, thus claims 1, 6-9 and 11-16 are pending and under consideration. No new matter has been added. The rejections are traversed below.

REJECTION TO THE SPECIFICATION:

In item 3 of the Office Action, the Examiner objected to the Abstract section of the present application for failing to use proper language and format. The Abstract section of the present application has been amended to comply with the requirements.

REJECTION UNDER 35 U.S.C. § 102(e):

In item 4 of the outstanding Office Action, claims 1, 6-9, and 11-14 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,430,605 ('605).

'605 discusses a system and method for permitting retail stores to place advertisements on electronic billboards by allowing the retail stores to directly access the electronic billboards and place video or still-image advertisements thereon.

The present application discloses a method and system for dynamically displaying marketing campaigns on display locations where billboards communicate with a server managing the advertising materials.

The Examiner compares the '605 system for permitting retail stores to directly place advertisements on electronic billboards with the present application's system for displaying marketing campaigns on display by allowing advertisers to access a central server. According to the '605 system, advertisers and advertising agents representing the advertisers directly access electronic displays, and directly send their own advertisements electronically to the electronic billboards to be displayed at locations and times selected by the advertisers (see, column 2, lines 25-30 of '605). This means that a "push" method is used to place the advertisements on the electronic billboards when advertisers send data to the billboards without the billboards initiating the transmittal of the advertising materials. This is analogous to an electronic mail where a recipient receives the electronic mail whether the recipient asks for it or not because the sender pushes the electronic mail to the recipient.

In contrast, according to the system for dynamic display of advertising material of the present invention, input sources are provided "...for receiving scheduling information and advertising material in the form of at least one image object for scheduling display" of the advertising material during an allocated time slot (see, claim 1 and 11 of the present application). The billboards display the image object to the public by "triggering a communication session" with a server (see, claim 1 of the present invention), and "accessing" the server via a network "to retrieve available time slots" associated with the billboards to upload and display the image object during a respective further time slot (see, claim 11 of the present invention). Unlike the '605 system that allows advertisers to "push" data to the billboards that is similar to an e-mail system, the present invention uses the "pull" method that is analogous to the World Wide Web, where a homepage is not delivered to a user until the user requests the homepage. This allows the system of the present invention, which uses the "pull" method by having the billboards request advertising data from the server, to securely disseminate the advertising material. It also allows the billboard to automatically obtain advertisements when needed and display them.

Further, the billboards of the present application trigger the communication with the server "prior to expiry of said allocated time slot" (see, claims 1 and 11 of the present invention). This results in the display of a new image object when subsequent time slot arrives, not requiring that the billboards receive "pushed" advertising data.

In a push method such as the one used in the '605 system, the billboard must be online at all times and ready to accept a push. In the case of the present invention, the billboard need only have access to the server when needed for a "pull" to upload the advertising material. Thus, the present invention is more efficient in use of resources, and thus, less costly in implementation.

For at least the above-mentioned reasons, claims depending from independent claims 1 and 11 are patentably distinct over '605. For example, as recited in claim 6, "a slot allocator for monitoring said scheduling" of the display provided to the server. The Examiner compares the slot allocator of the present invention to the review schedule and purchase time module provided to the customer system in '605. The customer using the '605 system reviews available times, and transmits the advertising content (see, column 3, lines 53-60 of '605). However, according to the present application, the slot allocator is provided to the server "for monitoring said scheduling" the display of advertising materials (see, claim 6).

Thus, the '605 system, which allows advertisers to directly access billboards by using

the "push" method, does not anticipate the system of the present application where the billboards "trigger a communication session" with the server using the "pull" method to upload advertising materials.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over '605.

The Examiner acknowledges that '605 does not disclose that the financial transactions take place before uploading the advertising material, however, the Examiner notes that it would have been obvious to require financial transactions before providing service. According to the '605 system, a billing and report generation module assembles data to show the time of the advertisement, the content of the advertisement, the traffic count and residence/median income information about those who saw the advertisement (see, column 4, lines 47-56 of '605). However, in the present invention, "before uploading said advertising material", the method performs "financial transactions" including payment for selected times or check of the time remaining for previously selected time (see, claims 15, 16, and page 7, lines 13-24 of the present application).

The arguments presented above supporting patentability of independent claims 1 and 11 are hereby incorporated to support the patentability of dependent claims 15 and 16.

The burden of establishing a prima facie case of obviousness based upon the prior art lies with the Examiner. In re Fritch, 23 U.S.P.Q. 2d 1780, 1783 (Fed. Cir. 1992). According to In re Fritch, the Examiner "... can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." The '605 system does not teach or suggest an operation "performing financial transactions before uploading the advertising material" when a server is accessed via a network to retrieve available time slots, thus the present invention is not obvious in light of the '605 system.

CONCLUSION:

In accordance with the foregoing, the abstract has been amended, and claims 12-16, have been amended. Thus, claims 1, 6-9, and 11-16 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 5/7/9

By: 
J. Randall Beckers
Registration No. 30,358

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501